UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/SR.54
11 March 1993

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 54th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 March 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-11726 (E)

The meeting was called to order at 3.35 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1993/7, 36-40, 41 and Add.1, E/CN.4/1993/42-49, 75, 76, 79, 82, 86, 95, 99 and 102; E/CN.4/1993/NGO/6, 8, 12, 16, 23, 26-28, 31 and 38)

1. Mr. RAMISHVILI (Russian Federation) said his delegation was disappointed that the destruction of regimes bent on tyranny and repression of the human person had apparently not paved the way for a democratic society free from terror. In fact, enmity, ethnic strife and aggressive nationalism were prevailing. His delegation had repeatedly stated that a double standard was unacceptable, and it believed that its openness to criticism of the human rights situation in Russian gave it the moral right to express concern at the human rights situations in other countries.

2. In Russia, although much had been done to clear up the aftermath of totalitarianism, vulnerable groups of the population were still suffering, as his delegation had honestly stated in its initial report to the Committee on the Rights of the Child. The main problem was a lack of a human rights infrastructure. There was a shortage of courts, judges and trained lawyers, and a low level of legal literacy among the population. A complex legal reform was in its early stages.

3. Human Rights in the army constituted a serious problem, since conscripts were considered to be outside the sphere of the legislation guaranteeing rights and freedoms. That issue was at the centre of an ongoing military reform. Unfortunately, because of differences in urban and rural standards of living inherited from 70 years of communist rule, it was not yet possible to eliminate the "residence permits" system. Russia was in the process of harmonizing its legislation with the standards of the Council of Europe, which was an ongoing task involving independent experts and human rights defenders and not limited simply to words.

4. His delegation was concerned at the situation in many republics of the former Soviet Union. Complex problems existed in Transcaucasia but they must be solved not on the battle field but at the negotiating table. There was great confusion in central Asia, where religious, ethnic and political interests prevailed over equality and democracy. It was not a question of human rights but of human survival in some of those areas. In the Tajik conflict, thousands had lost their lives, tens of thousands had become refugees and hundreds of thousands had no means of subsistence. His delegation was also concerned at the slowness of Uzbekistan and Turkmenistan in acceding to the basic human rights instruments and creating mechanisms for the protection of human rights.

5. Referring to the 1968 Proclamation of Tehran, he said it was difficult to understand why certain States deviated from generally-accepted standards by

referring to historical or religious factors or asserted that the rights contained in the Universal Declaration of Human Rights applied to a narrow group of countries only. For the countries that had emerged from totalitarian systems, such arguments, which were not new, were refuted by the fact that all people were born free and equal and with the same inviolable rights. The international standards had been elaborated by everyone together, with the seal of the unique character of each State.

6. The human rights situation in totalitarian countries was tragic. Its characteristic feature was violence and the crushing of dissidence. In such countries the protection of human rights was considered to be a crime against the State and cruelly punished. In other cases, however, countries with problems in implementing their human rights obligations themselves requested international control, which was a positive development.

7. In Iraq, massive and flagrant human rights violations continued, including cruelty towards the opposition, the inhuman treatment and torture of detainees and disregard for due process of law. He was distressed at the refusal of that country's leaders to heed the appeals of the international community to ensure the human rights of the Iraqi people and at their repression of national and religious minority groups.

8. In Myanmar, the State Law and Order Restoration Council continued its repressive measures affecting all strata of the population, in an attempt to impose a military solution to internal problems. He condemned the failure of the Government to organize meetings between the Special Representative of the Commission and opposition leader Aung San Suu Kyi, who remained under house arrest.

9. In Iran, there had been no decrease in the human rights violations detailed by the Special Rapporteur, which included arbitrary detention, punishment without due process, torture, disappearances and a lack of religious freedom, especially for the Baha'i community. The death sentence against author Salman Rushdie was still in effect. He regretted the Government's decision not to receive the Special Rapporteur of the Commission and to expel from the country a mission of the International Committee of the Red Cross.

10. In the Democratic People's Republic of Korea, the closed level of society and the isolation of the people from the rest of the world made it difficult to obtain any information at all on the human rights situation there. It was known, however, that one fifth of the population was considered to be "unreliable" and placed under surveillance by "people's groups" throughout the country, and that there were detention camps for people suspected of disloyalty to the regime. He commended the human rights defence organizations, which despite the complexity of the situation had managed to obtain information and bring it to the attention of the world community.

11. He deplored the repressive acts against domestic opponents and human rights defenders in Cuba. In addition, the character and contents of the so-called special period in peacetime were not juridically defined. His delegation regretted Cuba's refusal to receive the Special Rapporteur and to cooperate with the Commission.

12. After the 1991 putsch in Haiti, murder, violence and kidnapping had become everyday events. Hope for improvement was provided by the United Nations/Organization of American States observer mission to the country, and he called on the authorities in Port-au-Prince to establish the proper conditions for the mission to conduct its task.

13. In Equatorial Guinea, there had been no obvious improvement in a situation which, according to the Special Rapporteur, involved the continuing violent repression of political opponents.

14. The world was witnessing an increase in racism, xenophobia and intolerance of other peoples and religions, even in apparently prosperous democratic countries. One example was the tragic situation in Yugoslavia, to which the Commission must give priority by taking timely and effective measures to halt the military conflict.

15. The continuing bloody fighting in Afghanistan had made many victims among the civilian population, and the mandate of the Special Rapporteur should therefore be extended. In addition, he appealed to the authorities in Afghanistan to do everything possible to release Russian prisoners of war in that country.

16. In the occupied Arab territories, violations of human rights by both sides were everyday occurrences. He understood Israel's concern to ensure its national security and contain the activities of certain terrorist organizations, but it must also guarantee human rights in accordance with generally-accepted international standards.

17. In the Sudan, the continuing civil war had made life unbearable for the civilian population. He condemned the religious intolerance in that country and the general serious repression of human rights.

18. In Zaire, human rights abuses had led to the deaths of many innocent people, including the Ambassador of France, thus dealing a crippling blow to the process of democratic reform in that country.

19. In East Timor the bloody events in Dili in November 1991 had led to the deaths of many civilians. His delegation supported the Secretary-General's guidelines for a just and universal settlement of the conflict, taking into account the interests of the population.

20. Similarly, it appealed to all the parties to the conflict in Cyprus to apply the Security Council resolutions immediately as well as the Secretary-General's proposal concerning the adoption of confidence building measures.

21. Turning to the situations of countries that were moving away from totalitarianism and towards democratic reform, he said that it was the task of all to help those countries reach increasingly higher levels of development. He welcomed the end to the conflict in El Salvador and the conclusion of the first stage of implementation of the Peace Agreements. Because the situation was still far from ideal, it should continue to be closely monitored by the Commission.

22. In Guatemala, signs of an end to the crisis could be seen in the October 1992 agreement on the return of Guatemalan refugees from Mexico. A universal peace agreement between the parties was an essential goal.

23. In South Africa, some definite progress had been made in the field of human rights, in particular the recent proposals for a charter of fundamental rights and the intention to hold democratic elections. It was unfortunate that the complex process of transition had led to clashes of an ethnic nature in which hundreds of people had died.

24. There had been a far-reaching economic reform in China and some improvements, although still insufficient, in the human rights situation. He endorsed the Commission's appeal to the Chinese leadership to focus its attention on developing democratic institutions in the country: economic development should be accompanied by steps towards democracy for the entire society.

25. In conclusion, he paid a tribute to the courageous people who, convinced that freedom was a right and not a gift, were waging a struggle against tyranny, arbitrariness and human rights violations throughout the world.

26. Ms. WILLI (Observer for Liechtenstein) said that the hopes raised following the fundamental changes that had occurred in Europe and elsewhere in the world had apparently been premature. It appeared that violations of human rights had never before been so serious and widespread. She thus welcomed the forthcoming World Conference on Human Rights as an important milestone in the international community's endeavours.

27. In the spirit that the reconciliation of pluralism and human rights must continuously be sought, her Government had convened an informal meeting in Liechtenstein for 16-18 March 1993, where questions related to the subject of self-determination would be discussed by independent experts.

28. The reading of the special rapporteurs' reports raised sympathy for the victims and anger against the perpetrators of violations, especially those who bore the political responsibility for those crimes. Violations should never be considered a matter of "internal affairs".

29. In her delegation's view, all country situations should be discussed under agenda item 12, and item 21 should not be allowed to become a sub-category of item 12. Having endorsed the statement made by the observer for Denmark on behalf of the European Community, she said that her delegation would limit itself to a few situations of special concern.

30. The resurgence of racial and xenophobic hatred and violence in Europe was most disturbing, although the racially-motivated acts committed by some strata of the population were not being tolerated by the Governments of the countries concerned. Punishment of the criminals was not sufficient, however; everyone must work together to avoid the emerging of a climate that permitted outbreaks of such violence. She hoped that the appointment of a special rapporteur on the subject, as decided by the Commission in its resolution E/CN.4/1993/L.20/Rev.1 of 1 March 1993, would contribute to the fulfilment of that important task.

31. Her delegation continued to be concerned at reports of violations of human rights in China, and especially at the extrajudicial, summary or arbitrary executions that continued to occur there. Of particular concern was the situation in Tibet and the measures taken by the Chinese Government that threatened the distinct cultural, religious and ethnic identity of persons belonging to minorities. Her delegation shared the opinion that a general amnesty should be promulgated for those detained for political reasons and for expression of their religious beliefs.

32. At the Commission's previous session, her delegation had expressed its concern at the human rights situation in Iran which, according to the report by the Special Rapporteur (E/CN.4/1993/41), had not improved. Summary executions were increasing, systematic torture and other forms of inhuman or degrading treatment and cruel punishment still persisted, and the status of women was still very low. Particularly distressing were the reports of persecution on grounds of religious belief, especially with regard to the Baha'is whose situation had deteriorated seriously. Her delegation therefore supported the Special Rapporteur's recommendation that the Iranian authorities should immediately re-establish cooperation with the International Committee of the Red Cross (ICRC) which had been interrupted for questionable reasons. The mandate of the Special Rapporteur should be extended.

33. The most shocking example of all forms of human rights violations was to be found in the former Yugoslavia, where arbitrary detention under inhuman conditions, summary executions, the practice of ethnic cleansing, and the systematic rape of women and children were taking place. Her delegation strongly condemned those acts, which constituted war crimes, and welcomed the many initiatives taken by the international community in that context, especially Security Council resolution 808 (1993) on the establishment of an International War Crimes Tribunal.

34. In that connection, her delegation commended the proposal submitted by the rapporteurs of the Conference on Security and Cooperation in Europe (CSCE) and supported the invaluable humanitarian activities of the United Nations High Commissioner for Refugees. Efforts to find a peaceful solution through negotiations must continue, but the international community must not allow such negotiations to be used by parties to the conflict to achieve their own ends.

35. Mr. NASSERI (Islamic Republic of Iran) said that, for some days past, the Commission had been listening to statements on the human rights situation in various countries of the world and had, in particular, been hearing traditional arguments and remarks from the representatives of the Western countries. Agenda item 12 was cherished by those representatives, as it was conceived to be, and had in practice long been their private domain. It was they who accused, judged, and pronounced the sentence. The accusations and the verdicts were public and loud. The process of judging, however, was pursued in maximum secrecy because only in secrecy could human rights be used as a vehicle for pursuing political objectives without meeting any real challenge.

36. He had a case to make, and he invited the Western countries to respond, to it, to explain and defend their position. He was ready to prove his case

if they were ready to engage in a genuine debate. The Commission's conscience should be the basis of any judgement, rather than political strength and ability to muster votes in favour of one position against another. He believed that he spoke for a majority, albeit a silent one. It was silent because all the talk of a new unipolar world order accompanied by pictures of marines carrying out "international missions" was convincing enough for many to opt for silence. Those who, refusing to go with the "mainstream", stuck their necks out and challenged injustice exposed themselves to political isolation and economic hardship. So much for freedom of expression.

37. Many Western countries which insistently urged others to comply fully with international human rights instruments had themselves failed to comply fully with their treaty obligations and to establish a truly decent society despite all their resources. According to international statistics, 14 of those countries had the highest proportions of criminals in the world. That was hardly surprising, since their entire populations were continuously bombarded, through the mass media, by brutal violence, drug addiction, profanity, vulgarity, prostitution and pornography.

38. There was little need to underline the link between development and human rights. During the past year the world had witnessed the riots in Los Angeles and other United States cities, where all human rights had been completely suspended as killing, looting and destruction had run wild. The current President of the United States of America, campaigning at the time, had cited economic difficulties as the sole reason for the eruption of violence. In Europe, the sudden surge of xenophobia manifesting itself in violent and extreme racism had attacked the most fundamental pillars of human rights. There again, the major cause was said to be economic hardship.

39. It was clear, therefore, that the close relationship between development and human rights was accepted and that civil and political rights and economic, social and cultural rights had to go hand in hand. However, it must also be accepted that the two needed to be pursued in tandem. In the debates and decisions of the Commission, it was evident that a reasonable balance between the two sets of rights was far from being struck, and agreement was needed to remedy that bias.

40. The agreed ground rules for the conduct of the Commission had been repeatedly set out in various resolutions, namely, that the promotion and protection of human rights must be guided by the principles of non-selectivity, impartiality and objectivity. Nevertheless, it appeared that most Western countries were not objective, lacked impartiality, were totally selective and were guided by political interests, applying a double standard to violations of human rights in different parts of the world, and more particularly to situations where they themselves were responsible for depriving people of their rights.

41. In the case of Palestine, it had consistently been the political interest of the West to suppress criticism of Israel and to minimize pressure on it, even though it was well established that Israel was the most serious violator of human rights in a gross and systematic manner. Although the Western countries had been the main proponents of special mechanisms within the Commission, they had opposed the appointment of a special rapporteur for

Israel. In the case of apartheid, too, for years the Commission had witnessed all sorts of justifications put forward by the Western countries to avoid sanctions against South Africa. Apartheid might be coming to an end, but the intransigent position of the West which had encouraged it for so long could not be forgotten.

42. In most other cases that were broadly highlighted by the West, there were clear political motives. He was not suggesting that there were no violations of human rights in any of the countries concerned, but countries were selected, or not selected, for criticism on political grounds far more than on the merits of the case. East Timor must be brought up because Portugal had lost residual colonial interests there. China must come to the forefront because it was bound to become an economic giant while maintaining its political system, and Cuba because it was the last bastion of Marxism, right in the backyard of the United States of America.

43. Criticism of the human rights situation in Iran by the West had started immediately after the fall of the Shah. Despite the Shah's notorious human rights record, his regime had not once been mentioned in the Commission or other international bodies. Instead, he had been consistently praised by Western leaders. United States administrations, both Democratic and Republican, had given him their fullest support. President Nixon had given him a free hand to do whatever he deemed necessary to crush political opponents and President Carter had praised him for turning Iran into an island of stability at a time when his troops had been shooting demonstrators in the streets.

44. The Western countries might therefore wish to inform the Commission why the Shah's human rights violations had not been worthy of mention while any alleged violation by the Islamic Republic had to be magnified to the maximum. The answer was, however, clear. The Shah had been an "ally" of the West and of Israel, whereas the Islamic Republic was publicly stated in Tel Aviv to be Israel's major enemy. The previous Director of the CIA and its current Director had both branded Iran as the most serious threat to the interests of the United States of America, since Islamic revivalism was cherished by Muslims across the globe and could at any time turn into a major challenge to Western domination. Consequently, Iran had to be isolated politically, weakened militarily, and deprived economically. Human rights then became a tool that could by no means be disregarded.

45. There was also the question of selectivity. In 1993, the European Community Troika of Portugal, the United Kingdom and Denmark had made a political demand seeking the reversal of a judicial decision on two persons who had been duly sentenced by a court in Iran. The accused had appealed to the Iranian Supreme Court and their appeals had been upheld. The Troika had been duly informed as a matter of courtesy. He had then asked whether the Troika had made the same move in similar circumstances in other countries, citing five different examples in which some dozens of people were awaiting execution following summary trials. All the examples related to countries where the European Community had special political or other interests.

46. He had been promised that the question would be submitted to the European Community. Months had passed since then, and he had still not received an

wer or any indication that there would be one. Unless a reply was finally e, it would be fair to conclude that the approaches made by the European munity to protect the right to life of particular individuals was selective depended on political considerations.

He also invited the Western countries to examine the sources they rmally relied on for their evaluations. They would note that the situation at least 50 countries fell into the category of gross and systematic olations of human rights. No less than 10 among them were the West's llies" or countries where the West had strategic interests. Not a single was ever mentioned in the deliberations in the Commission or in any other rum. Even the powerful Western mass media seemed to abide by the pattern by the policy-makers.

If the intention was to send a message of hope to people whose human ghts were being violated, then there were many millions who were apparently worthy of that hope because strategic and political interests had to reign preme. He invited the Western European and Other Countries Group to state it failed to make even the slightest reference to a number of politically convenient situations where human rights, including the right to life and right to freedom from torture, were being seriously violated. A quick ance through the annual reports of Middle East Watch or Amnesty ternational would indicate where they were to be found.

There was also the question of accepting responsibility for violations in objective and impartial manner. In 1978 and 1979, United States military visers had persistently encouraged Iranian generals to use force ffectively" to crush the opposition. Thus the United States Government rtainly bore a share of responsibility for the ensuing killing of people on e streets by troops. He wondered whether the new Democratic Administration s ready to admit that responsibility.

Between 1982 and 1988, chemical weapons had been extensively used against anian civilians and military personnel. Thousands had died or had been verely injured as a result, and hundreds were still suffering from the fects. It had since become clear that the United Kingdom, Germany and Spain d played a role in providing the chemical weaponry or the related technology Iraq. As investigations continued in Iraq, the names of other countries re bound to appear also.

For the thousands who had lost their lives in the most barbaric way, it s no longer Iraq alone that was responsible, but also those who had helped to acquire and develop the weaponry. Germany had compensated Israel for tler's crimes, which had nothing to do with later generations of Germans. wever, there was no indication that the Germans were willing to accept their sponsibilities for what had occurred only a few years previously.

Between 1980 and 1988, Iraqi military aircrafts had bombed civilian pulation centres. Hundreds had died as a result. Nevertheless, France had ntinued to provide Iraq with sophisticated aircraft and other military rdware even after the United Nations had verified its attacks on civilians. e United States had provided intelligence information to Iraq and had

encouraged it to intensify the war of the cities, to prevent Iran from winning the war. So much for respect for the right to life of civilians.

53. Those events had been followed by the notorious United States attack on a civilian aircraft. The United States Government had not only taken no practical steps to remedy the situation but had even gone so far as to decorate the officer who had given the order to shoot down the Airbus. So much for war heroes.

54. There were many examples of that sort, where actions by Western countries had directly or indirectly resulted in the loss of life or permanent disability of thousands of Iranians. He once again invited the Western countries to state explicitly whether they were prepared to acknowledge their misdeeds. Noting that the observer for Denmark had indicated the Community's readiness to receive and accept criticism in the Commission, he was awaiting clear and precise answers to the points he had made.

55. What he had just said was not intended to divert objective criticism from Iran, which had proved its complete openness for three consecutive years when the Commission had adopted consensus resolutions which included criticism. In 1992 however the Western Group had opted for an accusatory resolution very different from that adopted in 1991. A pattern of cooperation had thus given way to suspicion and confrontation. The Western Group was apparently once again preparing a similar resolution, drafted in secrecy and tabled with no consultation with the country most concerned, Iran. So much for dialogue and cooperation.

56. His delegation had responded in full to the allegations made against Iran. The major criticism cited by the Special Rapporteur, and repeated by the West, was the number of executions of drug traffickers. His Government had stated that the matter could be investigated with an open mind, provided that alternative ways were found to ensure that drug dealers would not again find an open arena in Iranian cities. Western countries might care to note that the drug lords had offered guarantees of non-distribution of drugs within Iran in exchange for safe passage through Iran to the end-users in Europe. It was unlikely that the West wished to suggest that alternative.

57. In his introduction, the Special Rapporteur had insisted on the need for dialogue to break the current pattern of confrontation. Iran was ready for dialogue if the West was also ready for it. Iran was ready to accept objective criticism and to fulfil its commitments and responsibilities, but the West must be ready to do the same. If the West failed to do its share, it would be in no moral position to comment on human rights in Iran.

58. Mr. RI Tcheul (Observer for the Democratic People's Republic of Korea) said that the direct or indirect interference of external forces was the main factor in disrupting national sovereignty, the right to self-determination and territorial integrity, causing the death of millions of innocent people through hunger, disease and violence. Never before had national sovereignty and the right to self-determination been trampled underfoot so pitilessly. In the United Nations, particular stress had long been laid on sovereignty and

the right to self-determination as a means of preventing tragic situations and as a precondition for development and for the enjoyment of human rights.

59. Nevertheless, a number of countries were using human rights as a major instrument for attaining their political objectives, brutally infringing the sovereignty of other countries. In the international organizations, the major Powers and other developed countries were seeking to assume a superior situation over others, often resulting in gross violations of the sovereignty of the developing countries. Particular attention should therefore be paid to that increasing trend. The Commission should not tolerate injustice in the form of the arbitrary use of double standards or disregard unavoidable facts such as national cultural traditions and customs.

60. The presence of foreign troops in countries around the world had grown. During the cold war, occupation troops, enjoying extrajudicial status, perpetuated a wide variety of human rights violations, but those responsible could not be punished under national law. In the view of his delegation, the Commission must give special attention to the human rights situation in those countries or regions that had been under the influence of a super-Power. It must also call for an immediate withdrawal of foreign troops, whose presence violated national sovereignty.

61. His Government was deeply alarmed about the resurgence of fascism and militarism in territories where they had held sway in the past. The all too recent history of forced displacements, detention, slave labour, sexual servitude, torture and genocide must not be allowed to repeat itself. In that connection, his delegation noted with concern that after Japan had sent soldiers as part of United Nations peace-keeping forces, calls had openly been made in that country to make "comfort women" available to those troops, just like 50 years previously. That was all the more disturbing as Japan was seeking to become a permanent member of the Security Council and thus might one day be sending troops to many other places as well.

62. His delegation called upon the Commission to focus not only upon the question of "comfort women", but also on the Japanese refusal even to recognize that it had deported by force more than 6 million Koreans, making them work under the most abominable conditions for the Japanese war effort, and that it continued to discriminate against the survivors and their families residing in Japan. It was to be hoped that the Commission would give serious attention to the report and the relevant resolutions of the forty-fourth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the recommendations of the Working Group on Contemporary Forms of Slavery, and that it would take appropriate measures in that regard.

63. As to the statement earlier by the Russian Federation, it would appear that Russia was displeased because the Democratic People's Republic of Korea had no intention of following in its footsteps.

64. Ms. WENSLEY (Australia) said that it dealt with new crises, the international community must continue to maintain pressure on repressive regimes which still routinely and systematically denied their citizens fundamental rights and freedoms. The new international environment had placed

enormous pressure on the United Nations human rights machinery and, without additional resources to cover the growing workload, it was doubtful that the system could respond to the challenge.

65. Human rights received less than 1 per cent of the United Nations total budget; that was in stark contrast with the Organization's proclaimed priorities. The 1994-1995 biennium programme and budget must accurately reflect the priority that the Charter gave to the promotion and protection of human rights.

66. The international community must not allow the unproductive East-West confrontation of the past to be replaced by an equally sterile North-South divide. International action aimed at improving human rights, could not be rejected as interference in the internal affairs of States. To strengthen national human rights machinery, the United Nations should offer expert advice and practical assistance for the holding of free and fair elections, the drawing up of constitutions and the establishment of national institutions to protect human rights, the functioning of the judiciary and the police and strengthening the rule of law.

67. There was also a place - albeit as a last resort - for interventionist measures. Her Government had supported action by the international community to adopt collective punitive measures in cases of widespread and gross human rights abuse. The application of sanctions against South Africa had always been seen as a special case, but an increasing number of comparable situations were emerging, such as the action taken under United Nations auspices to protect the Kurds in the aftermath of the Gulf war and to address the tragedy of the former Yugoslavia. While no one should overstate the extent to which the right to intervention was currently recognized, the principle of non-intervention was no longer as unquestionable as it had once been.

68. Her delegation was pleased that the Security Council had agreed to establish an ad hoc war crimes tribunal to prosecute those responsible for serious violations of international humanitarian law in the territory of the former Yugoslavia. But the situation there should not overshadow continuing serious cases elsewhere.

69. In Burma, many persons continued to be detained for political reasons, and oppressive measures remained in force preventing the exercise of basic freedoms. Ethnic minorities were still oppressed. The appalling human rights situation had resulted in flows of refugees to neighbouring countries, notably Bangladesh, where there were currently 240,000 Rohingya refugees. Their safe return home continued to be hindered by the refusal of the Burmese authorities to allow the relevant United Nations to operate within Burma or to monitor the repatriation process.

70. Her Government once again called upon the Burmese authorities to release Daw Aung San Suu Kyi and other political leaders and to work with them on ensuring the transfer of power to a democratically elected Government.

71. In Iraq, summary executions, torture, enforced disappearances, arbitrary arrests and detention remained part of the Government's systematic repression of its own citizens. The Kurds in northern Iraq and the Shi'a communities in

the south had been the targets of forced displacements and human rights abuses. Her delegation welcomed the proposal in the Special Rapporteur's report on the situation of human rights in Iraq (E/CN.4/1993/45, para. 187 (f)), for a system of human rights monitors which would constitute an independent and reliable source of information about the human rights situation in that country. It urged the Government of Iraq to extend its full cooperation to the Special Rapporteur.

72. Another issue of concern to her delegation was the continuing detention of Kuwaitis and nationals of other States who had been arbitrarily held in Iraq since the Gulf war. It called upon the Government of Iraq to release all such hostages immediately.

73. Reports on large numbers of executions, torture and the administration of justice continued to mark the human rights situation in the Islamic Republic of Iran. It was also apparent that the discriminatory treatment of Baha'i community continued. The Iranian authorities must ensure that the human rights of all Iranian citizens were fully respected and must resume cooperation with the Special Representative of the Commission.

74. Her Government was seriously concerned about the deteriorating human rights situation in the Sudan, including the Nuba mountains. There were credible reports of increasing violations by the Government and the Sudanese armed forces, particularly with regard to minority groups displaced by the civil war. Her delegation called upon the authorities and other parties to the conflict to permit international agencies and humanitarian organizations to deliver assistance to the population. The Government of the Sudan must ensure that its human rights obligations under international law were fully met. Her delegation thus strongly supported the move by the Commission to place the Sudan in the open procedures under agenda item 12.

75. Similarly, it endorsed the decision to place Zaire in the open procedures.

76. With regard to Cyprus, her Government supported the efforts of the Secretary-General and called upon all parties to continue to work towards a just and comprehensive settlement. The fate of those Cypriots who had "disappeared" was of prime concern.

77. The Government of Sri Lanka was to be commended on the steps it had taken towards remedying human rights violations and on its constructive dialogue with the Commission. However, her delegation was alarmed at the increased intensity of violence in the north and north-east of that country, the reports of continuing disappearances and unresolved questions concerning undesignated detention centres and extrajudicial killings.

78. Despite positive developments, the human rights situation in East Timor remained of concern. Her delegation urged the Government of Indonesia to continue its cooperation with the United Nations and the Commission by providing information on human rights in the province and details of action it had taken in response to all the points in the statement of the Chairman of the Commission in March 1992, particularly with respect to further clarification of the fate of those still unaccounted for after the Dili

killings. Decisions to allow foreign and domestic media access to the province during the anniversary of the Dili killings and, more recently, for Xanana Gusmão's trial, as well as the presence in the province of representatives of the International Committee of the Red Cross were positive developments.

79. In 1991 and again in 1992, an official Australian human rights delegation had visited China at the invitation of the Chinese Government and conveyed her Government's concern about the human rights situation in that country including Tibet, the continuing severe constraints upon freedom of expression, assembly, association and religion and the broad scope of "counter-revolutionary" crimes. Although China had begun to address human rights issues through its series of white papers, its legal process rules remained unacceptable by international standards.

80. Mr. WIRYONO (Indonesia) said that in view of the baseless slanders and unjustified accusations made concerning East Timor and the obsessive campaign waged by certain quarters at the Commission's current session to discredit his country, his delegation deemed it necessary to set the record straight.

81. Almost 16 months had elapsed since the Dili incident of 12 November 1991, and a whole year had passed since the Chairman of the Commission had made a consensus statement on the incident. Since then, most of the facts had been clarified and legal action taken, and the situation in the province had returned to normal. Even when the Commission had met in 1992 to address the issue, the overwhelming majority of the demonstrators detained had already been released, and only 13 had subsequently been brought to trial.

82. Only four of them, Gregorio da Cunha Saldhana, Francisco Miranda Branco, Joao Freitas da Camara and Fernando de Araujo, who had masterminded the violence, had been tried under the anti-subversion law, the other nine under criminal law. The 10 soldiers directly involved in the incident, tried by a military tribunal for insubordination, acting without orders or disobeying orders, had been sentenced to terms of imprisonment. The trials of both the civilians and the military personnel had been open to the public. Lawyers representing the International Commission of Jurists had observed the proceedings, as had many diplomats and foreign journalists.

83. As for the issue of missing persons, of the 115 cases reported, 31 had long since returned safe and sound to their homes, 18 persons had been found to have died and their graves were known, and 4 unidentified bodies had been found. The search for the other 62 reported cases had continued, and the fact that one more person had returned safely home quite recently had given renewed hope that the remaining 61 cases could be cleared up. His Government continued to make serious efforts in that respect.

84. Unfounded accusations had been made that access to and information from East Timor were severely restricted. In actual fact, between June 1992 and February 1993 there had been no less than 48 visits by diplomats and other independent observers from at least 10 States members of the Commission. In addition, Mr. William Treat, a former expert of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, had visited the province in November 1992. Twenty-one foreign journalists, including nine

Portuguese, had come to East Timor to observe the trial of Mr. Xanana Gusmão in the first week of February 1993. Representatives of the International Commission of Jurists and Asia Watch had also been given permission to attend the trial. East Timor remained open to foreign tourists, who had been visiting the province in increasing numbers, more than 300 from 20 different countries in the past five months alone.

85. With regard to the recommendations of the Special Rapporteur on questions relevant to torture, his Government had provided information concerning the various measures taken to prevent and eliminate torture, such as the punishment of law-enforcement officers responsible for such acts, the introduction of a rating system and intensive retraining for police officers and the establishment of an administrative tribunal. In addition, the President had recently announced that a national human rights commission would be established, in line with one of the Special Rapporteur's main recommendations.

86. His Government had also shown its readiness to cooperate with the Secretary-General, as reflected by its willingness to allow his special envoy to visit Indonesia on two occasions, and its support for his initiative to bring about a just, comprehensive and internationally acceptable solution to the East Timor question, through a dialogue between representatives of Indonesia and Portugal under his auspices.

87. With regard to the arrest and trial of Mr. Xanana Gusmão the rebel leader, both the International Committee of the Red Cross (ICRC) and the prisoner himself had attested to the humane treatment he had received. He had not been charged under the anti-subversion law, as alleged, but under various articles of the Penal Code for offences, including armed rebellion, conspiracy, and illegal possession of weapons. The defendant was receiving full legal representation, and the trial was open to the press and public and was being monitored by human rights organizations, diplomats and foreign journalists. Indeed, Mr. Gusmão had appealed to his remaining followers to surrender to the authorities, while the Government had given assurances that they would not be prosecuted.

88. His delegation resented the unfair accusations that it had not honoured the commitments embodied in the Chairman's consensus statement and felt that, in any case, it was wrong to single out Indonesia rather than other delegations which had also joined the consensus. It was ready to continue cooperating with the Commission in addressing the issue in a balanced and constructive manner, but would reject any initiative motivated by narrow political self-interest which might jeopardize the success of the forthcoming dialogue between the representatives of Indonesia and Portugal under the auspices of the Secretary-General.

89. Mrs. ZAFRA (Colombia) said that her Government's efforts to protect and promote human rights had culminated in the creation of the instruments for that purpose provided for in the new Constitution, particularly the Office of the Ombudsman, which had been established in 1992 to uphold the human rights of all citizens, especially the most vulnerable. The Office operated through three main instruments: the procedure known as tutela for the protection of

fundamental rights, measures to promote collective rights and the remedy of habeas corpus to guarantee the freedom of the person.

90. The Office comprised a complaints division to investigate and rectify abuses and make recommendations to the authorities concerning sanctions against those responsible, and an educational division for human rights training and promotion activities. Human rights education was based on principles developed with the assistance of a United Nations adviser, recognizing that such training was a vital component of the education system, as a way of encouraging tolerance of and respect for diversity, resolving conflicts, and helping to build a democratic society with a genuine human rights culture.

91. The Ombudsman was also responsible for upholding citizens' rights in all their dealings with the courts, particularly those of citizens without the means to avail themselves of private legal counsel. Officials of the Ombudsman's Office were also empowered to visit prisons and provide legal aid for all prisoners. The Office was also establishing a presence in the various regions of the country where human rights problems might arise.

92. The Ombudsman's Office was also responsible for bringing cases before the Constitutional Court, so as to ensure compliance with the provisions of the Constitution. Another of its tasks was to coordinate the work of human rights defenders at the local level, thereby ensuring a nationwide system of human rights protection.

93. It was complemented by a Government Attorney for human rights, who was responsible for conducting administrative investigations of alleged abuses and establishing appropriate penalties, and by the presidential Human Rights Council, which was responsible for advising the President on the national and international human rights implications of government policy.

94. The tutela procedure was one of the most important constitutional instruments for human rights protection. Under that procedure, any person could appeal to a judge at any time or place requesting immediate protection of a fundamental constitutional right, if that right was being threatened or violated by an act or omission on the part of the competent authorities. The judge could then issue an order, within 10 days, requiring that the right in question be respected. The order could be contested before the judge concerned and the case could be referred to the Constitutional Court for review. Extensive use had been made of the procedure during the first year of its operation and it had provided access to justice for all Colombians, especially those with limited resources or with little political or social influence, as well as ordinary citizens who had been the victim of abuses on the part of the public authorities.

95. Colombia was, perhaps, one of the countries most committed to the consolidation of a national system of human rights protection and promotion. The Constitution provided for the necessary institutions and also set out the duties and obligations of citizens to cooperate with those institutions, not to abuse the rights of others, to uphold and promote human rights as the basis for peaceful coexistence and to play a part in the political, civil and collective life of the country.

96. Colombia had also been a pioneer in developing the right to property and the territorial rights of the indigenous peoples, as the independent Expert on the right to own property recognized in his report (E/CN.4/1993/15, para. 391), stating that Colombia's Constitution was the first in the world to articulate that concept and to spell out in detail indigenous rights to self-government and to management of their natural resources.

97. Mr. AL-DOURI (Observer for Iraq), speaking in exercise of the right of reply, said that the information concerning his country on which the delegations of the Western countries had based their statements was, for the most part, incorrect and misleading. Moreover, his delegation had serious doubts as to the genuine impartiality of the Special Rapporteur on Iraq.

98. It was regrettable that the representative of the Russian Federation had begun to emulate the Western delegations by treating such information as factual, without attempting to verify its accuracy. That representative was in no position to comment on the availability of impartial trials in Iraq, since he knew little or nothing about legal proceedings in the country. The same was true of his remarks concerning religion, which were also based on incorrect information.

99. He was surprised at the allegations by the representative of Iran concerning Iraq's use of chemical weapons. That representative was conveniently forgetting the terrible suffering inflicted on Iraqi cities by his own country's use of chemical weapons during the Iran-Iraq war. On the question of arms dealing in general, the international community was only too well aware of the "Irangate" scandal and Iran's notorious arms dealing with Israel. His delegation would welcome information concerning the fate of the 30,000 Iraqi prisoners who had not been allowed to return home after the Iran-Iraq war, although Iraq had long since released all its Iranian prisoners.

100. Mr. BENHIMA (Observer for Morocco) speaking in exercise of the right of reply, said that he wished to point out that the trade union leader, Mr. Noubir Amaoui, had been sentenced to two years' imprisonment for making defamatory and insulting remarks against the Government, a verdict which had been upheld by the Court of Appeal. The sentence was in full compliance with the provisions of the Penal Code and could in no way be considered a human rights violation.

101. He regretted the professional propaganda campaign being waged against his country by the non-governmental organization Centre Europe-Tiers Monde, prompted by its misguided support for the positions of the Frente POLISARIO. In the past, that NGO had lent its name to individuals without even bothering to check their identity and had made unfounded allegations concerning the disappearance of persons. It showed little concern, however, at the systematic human rights violations occurring in the camps of the Frente POLISARIO which Amnesty International had recently exposed.

102. That NGO also seemed unaware of the progress that had been made in Morocco, its constant readiness for dialogue and its encouragement of all constructive efforts to advance the promotion and protection of human rights. Morocco had acceded to the main human rights conventions and was currently in

the process of ratifying the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

103. While his delegation had always stressed the important role of non-governmental organizations in the difficult task of safeguarding human rights, it regretted that some of them tended to take a simplistic approach, treat allegations as facts and make peremptory accusations. A good example was the shocking misrepresentation of the situation in the Western Sahara by the International Commission of Jurists, Pax Christi International and the International Association of Democratic Lawyers.

104. It was possible that they had not had time to read the numerous reports of the Secretary-General on the subject, none of which blamed Morocco in any way for the delay in the implementation of the United Nations peace plan, which had been held up by difficulties relating to the criteria for voter identification. Despite its reservations, his Government had accepted the criteria devised by the former Secretary-General and recently reaffirmed by Security Council resolution 809 (1993), which offered a dynamic and acceptable framework for the implementation of the plan.

105. In conclusion, he would like to remind the non-governmental organizations that, if they wished to fulfil their task as human rights defenders properly, they must respect certain ethical standards and give high priority to intellectual honesty.

106. Mrs. SILVERA NUNEZ (Cuba), speaking in exercise of the right of reply, said that she had not really been surprised by the remarks concerning Cuba made by the representative of the Russian Federation which simply repeated allegations already made by the representative of the United States, thus reflecting his country's increasingly abject dependence on the latter country.

107. The representative of the Russian Federation had admitted that he was not familiar with all the details of the situation in Cuba, but he had nevertheless repeated biased and false allegations. He had also admitted that there were no properly trained human rights experts in the Russian Federation, as was clear from his delegation's failure to recognize that the Special Rapporteur had been imposed on Cuba as part of a political vendetta, to which the Russian Federation was currently a party. The representative of the Russian Federation would do better to examine the social and political environment in his own country, where serious human rights violations were constantly occurring.

The meeting rose at 6.10 p.m.